

# Nauman Smith

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February 15, 2013

**Via Electronic Mail Only**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

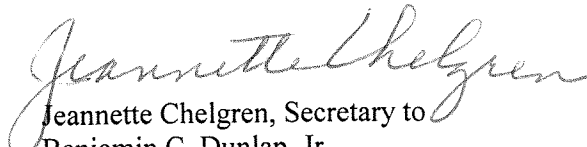
**In Re:**            **Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County and Board of Supervisors of Bart Township v. Consolidated Rail Corporation and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al. PUC Dockets No. A-00111016 and C-00913256 (Consolidated)**

Dear Secretary Chiavetta:

I am enclosing the original Prehearing Conference Memorandum of Norfolk Southern Railway Company for filing in connection with the above-referenced matter. As set forth on the attached Certificate of Service, a copy of the Prehearing Conference Memorandum has been served upon all interested parties. In accordance with the new requirements, a hard copy of the Notice of Appearance will **not** be delivered to your office. If you have any questions, please advise.

If you have any questions, please do not hesitate to contact our office.

Sincerely yours,

  
Jeannette Chelgren, Secretary to  
Benjamin C. Dunlap, Jr.

**Enclosures**

cc: All Interested Parties (w/enc.)  
The Honorable Elizabeth H. Barnes (via electronic mail, confirmed via U.S. mail)  
The Honorable Joel H. Cheskis (via electronic mail, confirmed via U.S. mail)  
Randal S. Noe, Esquire (w/enc.)  
Jonathan M. Broder, Esquire (w/enc.)  
Kevin G. Hauschildt, P.E. (w/enc.)  
Ambu Patel (w/enc.)

Superior analysis. Effective solutions. Since 1871.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County,</b>	:	
	:	
	:	<b>Docket No. A-00111016</b>
	:	
	:	
	:	
<b>Board of Supervisors of Bart Township,</b>	:	
	:	
	:	
<b>v.</b>	:	<b>Docket No. C-00913256</b>
	:	
	:	
<b>Consolidated Rail Corporation, and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al.</b>	:	<b>Filed Electronically</b>
	:	
	:	

**PREHEARING CONFERENCE MEMORANDUM OF  
NORFOLK SOUTHERN RAILWAY COMPANY**

Norfolk Southern Railway Company (“Norfolk Southern”), hereby files this Prehearing Memorandum in accordance with the Prehearing Conference Order of Administrative Law Judges Elizabeth H. Barnes and Joel H. Cheskis issued January 25, 2013, in the above-referenced matter.

**A. Service:**

All service on and communications to Norfolk Southern in this proceeding should be addressed to the following person:

Benjamin C. Dunlap, Jr., Esquire  
Nauman, Smith, Shissler & Hall, LLP  
200 N. Third Street, 18<sup>th</sup> Floor  
P. O. Box 840  
Harrisburg, PA 17108-0840  
Telephone: (717) 236-3010, ext. 21  
E-mail: [bdunlapjr@nssh.com](mailto:bdunlapjr@nssh.com)

**B. Settlement:**

Norfolk Southern is supportive of a settlement in this case permitting the bridge structure to be abolished in place if Eden Township (“Township”) can sufficiently address the safety concerns of the Commission’s Bureau of Investigation and Enforcement (“BI&E”) as well as the concerns of the Pennsylvania Department of Transportation (“PennDOT”).

**C. Discovery:**

Norfolk Southern proposes that discovery, if necessary, be conducted informally and be completed no less than thirty (30) days prior to hearing.

**D. Proposed litigation scheduled:**

Norfolk Southern agrees with the proposed litigation schedule set forth by BI&E in its Prehearing Conference Memorandum as follows:

Pre-filed Direct Testimony (Petitioner): Friday, May 10, 2013  
Pre-Filed Direct Testimony (all other Parties): Friday, June 7, 2013  
Rebuttal Testimony (all Parties): Friday, June 28, 2013  
No Sur-rebuttal Testimony (all Parties): N/A  
Hearing: July 17, 2013  
Briefs: (30 days from receipt of transcripts)  
Reply Briefs: (20 days after receipt of Briefs)

**E. Names and addresses of witnesses to be presented:**

Norfolk Southern will present the following witness:

Kevin G. Hauschildt, P.E., Engineer Structures  
Norfolk Southern Railway Company  
1200 Peachtree Street, NE  
Atlanta, GA 30309

**Proposed area of testimony for each witness:**

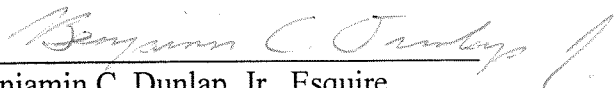
Mr. Hauschildt will testify regarding his expert opinion on the engineering criteria and work if the bridge is permitted to be abolished in place or if it is to be removed.

**F. Issues to be Addressed:**

1. Whether the crossing structure will be permitted to be abolished in place pursuant to the Township's Petition, and if so, the work to be performed in connection therewith.
2. If the current requirement that the bridge be removed is affirmed, whether such removal will be made pursuant to the Specifications and the Erosion and Sedimentation Plan filed by Norfolk Southern with the Commission on November 22, 2011, or whether such plans shall be altered in any manner pursuant to PennDOT's objections to those Specifications and Plan filed on December 15, 2011.

Respectfully Submitted:

**NAUMAN, SMITH, SHISSLER & HALL, LLP**

By   
Benjamin C. Dunlap, Jr., Esquire  
Supreme Court I.D. #66283

200 North Third Street, 18<sup>th</sup> Floor  
P.O. Box 840  
Harrisburg, PA 17108-0840  
(717) 236-3010  
Attorney for Norfolk Southern Railway Company

Date: February 15, 2013

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County,</b>	:	
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	:	<b>Docket No. A-00111016</b>
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<b>Board of Supervisors of Bart Township,</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. C-00913256</b>
	:	
	:	
<b>Consolidated Rail Corporation, and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al.</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Prehearing Conference Memorandum of Norfolk Southern Railway Company was served upon the parties listed below in accordance with the requirements of § 1.54, by first-class mail, postage prepaid this 14th day of February, 2013:

The Honorable Elizabeth H. Barnes  
The Honorable Joel H. Cheskis  
Administrative Law Judges  
PA Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Scott T. Wyland, Esquire  
Salzmann Hughes, P.C.  
354 Alexander Spring Road, Suite 1  
Carlisle, PA 17015

Gina M. D'Alfonso, Esquire  
Office of Chief Counsel  
PennDOT  
P. O. Box 8212  
Harrisburg, PA 17105-8212

David E. Screven, Esquire  
PA Public Utility Commission  
Bureau of Transportation & Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Eden Township Board of Supervisors  
489 Stony Hill Road  
Quarryville, PA 17566

Dennis M. Moore, Esquire  
National Railroad Passenger Corporation  
60 Massachusetts Avenue, NE  
Washington, DC 20002

City of Coatesville Authority  
One City Hall Place  
Coatesville, PA 19320

Department of Environmental Protection  
Legal Services  
P. O. Box 8464  
Harrisburg, PA 17105-8464

John Chase  
Quarryville Water Authority  
300 Saint Catherine Street  
Quarryville, PA 17566

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FAST  
P. O. Box 27  
Strasburg, PA 17579

John Chase  
Quarryville Water Authority  
300 Saint Catherine Street  
Quarryville, PA 17566

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Kluxen & Newcomer  
339 North Duke Street  
P. O. Box 539  
Lancaster, PA 17602-4915

Fronefield Crawford, Jr., Esquire  
Montgomery McCracken Walker & Rhoads  
1235 Westlakes Drive, Ste. 200  
Berwyn, PA 19312-2401

James H. Thomas, Esquire  
Blakinger Byler & Thomas PC  
28 Penn Square  
Lancaster, PA 17603

Josele Cleary, Esquire  
Morgan Hallgren Cresswell & Kane  
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P. O. Box 4686  
Lancaster, PA 17604

Kenelm L. Shirk, III, Esquire  
115 South State Street  
Ephrata, PA 17522-2412

Matthew J. Creme, Jr., Esquire  
212 North Queen Street  
Lancaster, PA 17603

William Crosswell, Esquire  
Morgan Hallgren Cresswell & Kane  
700 N. Duke Street  
P. O. Box 4686  
Lancaster, PA 17604

Bart Township Board of Supervisors  
Calvin D. Keene, Chairman  
46 Quarry Road  
Quarryville, PA 17566

Conestoga Township Supervisors  
3959 Main Street  
P. O. Box 98  
Conestoga, PA 17516

David Dulick  
Pennsylvania Power & Light  
2 North Ninth Street  
Allentown, PA 18101

Donald LeFever, Esquire  
Solicitor for Lancaster County  
Lancaster County Courthouse  
50 North Duke Street  
P. O. Box 83480  
Lancaster, PA 17602

Suburban Cable Company  
Legal Department  
1200 High Street  
Pottstown, PA 19464

Sadsbury Township  
1077 White Oak Road  
Christiana, PA 17509

Johnnie Simms, Esquire  
PA Public Utility Commission  
Office of Trial Staff  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Janet L. Miller, Esquire  
Hawke McKeon & Sniscak, LLP  
100 North Tenth Street  
Harrisburg, PA 17101

Janice M. Longer, Esquire  
8 North Queen Street, Suite 700F  
Lancaster, PA 17603-3827

Lancaster County Commissioners  
150 North Queen Street #715  
Lancaster, PA 17603-3562


Lancaster County Planning Commission  
50 North Duke Street  
P. O. Box 83480  
Lancaster, PA 17608-3480

Date: February 14, 2013

Martic Township  
270 Steinman Farm Road  
Pequea, PA 17565

Martha R. Smith, Esquire  
Conservation & Natural Resources  
Governor's Office of General Counsel  
400 Market Street  
P. O. Box 8767  
Harrisburg, PA 17105

Office of Special Assistants  
PA Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

  
Jeannette Chelgren, Secretary to  
Benjamin C. Dunlap, Jr., Esquire